

37 Am. Jur. 2d Fraud and Deceit § 163

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Fraud and Deceit

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IV. False Representations

G. Representations and Statements as to Particular Matters

2. Title, Location, Quantity, and Quality of Property

c. Quantity; Acreage

§ 163. Exchanges

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

West's Key Number Digest, [Fraud](#)  27, 28

A.L.R. Library

[Tort liability for damages for misrepresentations as to area of real property sold or exchanged, 54 A.L.R.2d 660](#)

Forms

[Am. Jur. Pleading and Practice Forms, Fraud and Deceit §§ 193 to 196 \(Fraud in exchange transactions\)](#)

In exchange transactions, false representations as to the quantity of the property offered in exchange may be the basis of a charge of fraud.¹ If the various elements of a cause of action for fraud and deceit are established, a party to a contract for the exchange of lands may be held liable in tort for misrepresentation by the party or the party's agent in overstating the area of the land exchanged.²

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Footnotes

- 1 [Williams v. Hume](#), 83 Ind. App. 608, 149 N.E. 355 (1925); [Jacks v. Manning](#), 297 S.W. 588 (Tex. Civ. App. Austin 1927).
Statements made by one of the parties in a cattle trade as to the number of head of cattle, which are nothing more than a guess or estimate and must have been so regarded by the other party, do not form the basis of any assertion of fraud. [Sorrells v. Clifford](#), 23 Ariz. 448, 204 P. 1013 (1922).
- 2 [Summers v. Martin](#), 77 Idaho 469, 295 P.2d 265 (1956); [Jacks v. Manning](#), 297 S.W. 588 (Tex. Civ. App. Austin 1927); [Black v. Thompson](#), 110 Wash. 379, 188 P. 393 (1920).

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